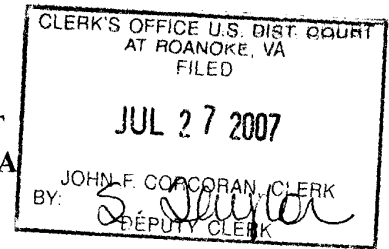


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION




UNITED STATES OF AMERICA,	)	
Appellee,	)	Civil Action No. 7:07cr00036
	)	
v.	)	<u>MEMORANDUM OPINION</u>
	)	<u>AND ORDER</u>
WILLIAM J. KESEL,	)	
Appellant.	)	By: Samuel G. Wilson
	)	United States District Judge

The United States Magistrate Judge found appellant, William J. Kesel, guilty of riding a bicycle abreast of another bicycle, in violation of 36 C.F.R. 4.30(d)(3). Kesel appealed pursuant to Federal Rule of Criminal Procedure 58(g)(2). The court directed Kesel to articulate the legal issues on appeal, and Kesel responded that he was wrongly convicted and his witness was unable to attend his bench trial due to an illness.

Pursuant to Federal Rule of Criminal Procedure 58, the scope of Kesel's appeal is the same as an appeal from a judgement of a district court to a court of appeals. Fed.R.Crim.P. 58(g)(2)(D). This court does not hear appeals de novo, but rather is an appellate court for resolving deficiencies in the evidence or reviewing legal grounds for reversing convictions. Since there is no legal issue properly raised in Kesel's appeal, the court affirms.

Accordingly, it is **ORDERED** and **ADJUDGED** that the judgment is **AFFIRMED**.

ENTER: This 26<sup>th</sup> day of July, 2007.

  
United States District Judge